

receive--;
line 10, delete "receiving";

Claim 7, line ²₁, change "receives" to --being configured to
receive--;

Remarks:

Claims 1-20 are now pending in this application, claims 12-20 have been withdrawn from further consideration by the Examiner as directed to a non-elected invention. Applicant has amended claims 1, 3, 6, and 7 to clarify the present invention.

The Examiner rejected claims 6-11 under 35 U.S.C. § 101 as lacking utility. In particular, the Examiner states, "the claimed punching system is not used to punch a workpiece in the claimed configuration and thus lacks utility." Applicant has amended claims 6 and 7 to clarify the present invention as recited therein.

The Examiner rejected claims 6-11 under 35 U.S.C. § 112, first paragraph. The Examiner states that it is not clear how the punch operates as depicted in Fig. 2 ^{when} ~~or~~ in the upper die is partially inserted into the die receiving passage of the lower housing. Fig. 2 illustrates an embodiment of a punch and die assembly according to the present invention in the process of

aligning the dies. The specification clearly describes and the drawings illustrate how the present invention operates as an alignment system. After alignment, the first die could be moved further into the first die passage. The alignment does not restrict subsequent use of the invention to punch a workpiece once the dies are aligned and properly positioned in the assembly for punching.

In view of the above, Applicant submits that the specification does describe the present invention in such a way as to enable one skilled in the art to make and/or use the invention. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 6-11 under 35 U.S.C. § 112, first paragraph.

The Examiner rejected claims 1-11 under 35 U.S.C. § 112, second paragraph, as indefinite. Applicant has amended the claims to ensure that antecedent basis exists for all terms. Regarding claims 3 and 8, Applicants point out that claims 1 and 6 only recite that the second die passage is configured to receive at least a portion of at least one of the first die and the second die, while claims 3 and 8 recite that the first die passage and the second die passage are configured to permit at least one of the first die and the second die to rotate therein. Therefore, claims 3 and 8 do further define the invention and are not redundant.

Applicant submits that all claims comply with 35 U.S.C. § 112, second paragraph, and respectfully requests withdrawal of this rejection.

The present invention, as recited in independent claim 1, provides a punch and die alignment system. A first die includes a first die aperture for receiving a punch. A second die includes a second die aperture for receiving the punch. A first housing includes a first die passage receiving at least a portion of the first die. A second housing includes a second die passage receiving at least a portion of at least one of the first die and the second die. The second die passage is configured to permit at least one of the first die and the second die to rotate therein, thereby permitting the first die aperture and the second die aperture to be aligned with each other.

The Examiner rejected claims 1-3 and 6-8 under 35 U.S.C. § 102(b) as anticipated by U.S. patent 4,425,829 to Kranik et al. The Examiner also rejected claims 4, 5, 9, and 11 under 35 U.S.C. 103(a) as unpatentable over Kranik et al.

Kranik et al. does not disclose the present invention since, among other things, Kranik et al. does not disclose a system for aligning dies in a punch and die assembly. Along these lines, Kranik et al. does not disclose a housing that permits dies to be

inserted therein and rotated to align the die receiving apertures in the dies. Contrary to the Examiner's statements, nowhere does Kranik et al. disclose such elements.

The alignment carried out by the present invention is not an intended use, it is a positive recitation of structure. Kranik et al. does not disclose or suggest structure for such alignment.

Rather, Kranik et al. discloses a device for removing punched slugs using pressurized air in a tube located below the die aperture.

In fact, in the context of the application Kranik et al. discloses, alignment is not an issue. Therefore, not only does Kranik et al. not disclose or suggest alignment or any structure that permits alignment, it would not be obvious to one of ordinary skill in the art to contemplate alignment of the dies since in the context of Kranik et al. alignment is not an issue.

Even if alignment were an issue, Kranik et al. does not disclose any structure for carrying out the alignment.

The Examiner states that Kranik et al. may operate as the present invention operates. However, Kranik et al. does not disclose anywhere that alignment is or can be carried out. Along these lines, Kranik et al. does not describe or illustrate that the dies may rotate to align the die apertures.

In view of the above, Kranik et al. does not disclose all elements of the present invention as recited in claims 1-3 and 6-8. Since Kranik et al. does not disclose all elements recited in claims 1-3 and 6-8, the present invention, as recited in claims 1-3 and 6-8, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

Kranik et al. also does not suggest the present invention since, among other things, Kranik et al. does not suggest a system for aligning dies in a punch and die assembly. Along these lines, Kranik et al. does not suggest a housing that permits dies to be inserted therein and rotated to align the die receiving apertures in the dies. Nowhere does Kranik et al.

suggest such elements. Furthermore, Kranik et al. does not suggest that alignment is an issue or any structure for carrying out alignment.

The Examiner states that Kranik et al. may operate as the present invention operates. However, Kranik et al. does not suggest anywhere that alignment is or can be carried out. Along these lines, Kranik et al. does not include any suggestion that the dies may rotate to align the die apertures.

In view of the above, the reference relied upon in the Office Action does not disclose or suggest patentable features of the present invention. Therefore, the reference relied upon in the Office Action does not disclose or render obvious the present invention. Accordingly, Applicant respectfully requests withdrawal of the rejections based upon the cited reference.

In conclusion, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

In the event that the Examiner believes that an interview would serve to facilitate the prosecution of this application, Applicant respectfully urges the Examiner to contact the undersigned at the telephone number listed below.

The undersigned hereby authorizes the Commissioner to charge any insufficient fees or credit any overpayment associated with this communication to deposit account no. 22-0185.

Respectfully submitted,


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